

**STATEMENT SUBMITTED FOR THE RECORD
BY DC INSPECTOR GENERAL CHARLES C. MADDOX, ESQ.
FOR THE D. C. COUNCIL
COMMITTEE ON GOVERNMENT OPERATIONS
PUBLIC OVERSIGHT HEARING
MAY 12, 2003**

I APPRECIATE THE OPPORTUNITY TO PROVIDE A STATEMENT FOR THE RECORD REGARDING THIS COMMITTEE'S HEARING ENTITLED "THE ALLEGED UNLAWFUL SEIZURE OF ATTORNEY NOTES AND CONFIDENTIAL DOCUMENTS FROM THE DISTRICT OF COLUMBIA OFFICE OF CAMPAIGN FINANCE BY THE DISTRICT OF COLUMBIA OFFICE OF INSPECTOR GENERAL; AND ATTEMPTS BY THE OFFICE OF INSPECTOR GENERAL TO OBTAIN INFORMATION FROM WITNESSES IN ABSENTIA OF COUNSEL CONSENT." I AM SUBMITTING THIS STATEMENT IN LIEU OF A PERSONAL APPEARANCE BECAUSE THE SUBJECT MATTER PERTAINS TO AN ONGOING INVESTIGATION INTO WHISTLEBLOWERS' ALLEGATIONS OF MISMANAGEMENT AND MISCONDUCT BY SENIOR OFFICIALS AT THE BOARD OF ELECTIONS (BOEE) AND THE OFFICE OF CAMPAIGN FINANCE (OCF).

I HAVE BEEN CONSISTENT IN DECLINING TO COMMENT ON THE SUBSTANCE OF ONGOING INVESTIGATIONS. HOWEVER, I WOULD LIKE TO RESPOND FOR THE RECORD TO THESE ALLEGATIONS, WHICH WERE ADDRESSED FULLY AND DIRECTLY IN A LETTER I SENT TO CHAIRMAN WILSON (BOEE), ALL COUNCILMEMBERS, THE MAYOR, AND THE UNITED STATES ATTORNEY'S OFFICE ON APRIL 28, 2003. I SENT THIS LETTER IN RESPONSE TO CHAIRMAN WILSON'S LETTER OF APRIL 24, 2003, IN WHICH HE RAISED THE SAME CONCERNS TO ME. AS INDICATED IN MY LETTER, ALL ACTIONS TAKEN BY MY OFFICE WERE LAWFUL AND APPROPRIATE.

REGARDING THE FIRST ALLEGATION, WHICH I ASSUME IS THE SAME ALLEGATION RAISED IN CHAIRMAN WILSON'S LETTER, I WOULD LIKE TO STATE EMPHATICALLY AGAIN THAT NOTES OF OCF GENERAL COUNSEL KATHY

WILLIAMS WERE IN FACT OBTAINED BY MY INVESTIGATORS IN A LAWFUL MANNER. NO EMPLOYEE IN MY OFFICE BROKE INTO MS. WILLIAMS' OFFICE NOR DID ANY EMPLOYEE DIRECT ANYONE ELSE TO DO SO.

IN FACT, AS INDICATED IN MY APRIL 24 LETTER, THE DOCUMENTS WERE PROVIDED TO US AS EVIDENCE OF MISCONDUCT IN A SERIES OF WHISTLEBLOWER COMPLAINTS FROM OCF EMPLOYEES. THE DOCUMENTS WERE NOT SOLICITED BY US, AND WE HAVE NO REASON TO BELIEVE THAT THEY WERE OBTAINED IN AN UNLAWFUL MANNER. IN THIS REGARD I REMIND YOU THAT THE OIG HAS STATUTORY ACCESS TO DISTRICT RECORDS AND DOCUMENTS AND ALL DISTRICT GOVERNMENT EMPLOYEES OF ALL AGENCIES. ALL AGENCIES, EVEN INDEPENDENT AGENCIES, ARE REQUIRED TO COOPERATE WITH OIG INVESTIGATIONS.

SECOND, ANY ALLEGATION THAT WE ATTEMPTED TO OBTAIN INFORMATION FROM WITNESSES IN THE ABSENCE OF CONSENT FROM COUNSEL IS AN UNFAIR AND MISLEADING CHARACTERIZATION OF OUR REQUEST TO CHAIRMAN WILSON TO MAKE THE WITNESSES AVAILABLE FOR INTERVIEW. WHILE WE TRIED TO GIVE CHAIRMAN WILSON REASONABLE NOTICE THAT WE WANTED TO INTERVIEW TWO OF HIS EMPLOYEES, WE WERE UNABLE TO DO SO BECAUSE CHAIRMAN WILSON REFUSED TO MAKE HIS EMPLOYEES AVAILABLE. UNFORTUNATELY, BECAUSE MR. WILSON DID NOT CONTACT MY OFFICE TO INQUIRE ABOUT OUR REASONS FOR REQUESTING AN INTERVIEW, HE BELIEVED – ERRONEOUSLY – THAT A CRIMINAL INVESTIGATION WAS PENDING. HOWEVER, AS I EXPLAINED IN MY LETTER, PROSECUTION OF THESE TWO INDIVIDUALS HAD BEEN DECLINED. OUR ADMINISTRATIVE INQUIRY WAS NOT THE SAME SUBJECT MATTER FOR WHICH THE DIRECTORS WERE REPRESENTED BY COUNSEL. THEREFORE, CONSISTENT WITH CURRENT FEDERAL AND DISTRICT LAW, IT WAS LAWFUL AND APPROPRIATE FOR US TO ASK WITNESSES IN AN OIG ADMINISTRATIVE INVESTIGATION TO ACCOUNT FOR THEIR OFFICIAL CONDUCT.

IN FACT, SUCH LAWS REQUIRE ALL DISTRICT GOVERNMENT EMPLOYEES TO COOPERATE IN OIG ADMINISTRATIVE INQUIRIES. THEY ARE, OF COURSE, FREE TO SEEK COUNSEL TO REPRESENT THEM IN ADMINISTRATIVE INQUIRIES THAT WE CONDUCT.

DESPITE THE DECISION BY THE U.S.ATTORNEY NOT TO PROSECUTE THE TWO NAMED OFFICIALS AT THE BOEE AND OCF, THE OIG MUST FULFILL ITS STATUTORY RESPONSIBILITY TO INVESTIGATE AND REPORT ITS FINDINGS REGARDING POTENTIAL MISCONDUCT AND MISMANAGEMENT – ESPECIALLY BECAUSE THE ALLEGATIONS INVOLVE THE AGENCIES RESPONSIBLE FOR ENFORCING ETHICS IN GOVERNMENT.

I APPRECIATE THE OPPORTUNITY TO PROVIDE THIS STATEMENT AND REQUEST THAT YOU SUBMIT THIS STATEMENT FOR THE OFFICIAL PUBLIC RECORD.